

CHAPTER 4-000 CASE INITIATION AND CLOSURE

This chapter outlines the requirements and criteria for establishing and closing a Child Support Enforcement case.

4-001 Case Initiation:

4-001.01 Application Requirements:

Child Support Enforcement must:

1. make application for child support services readily accessible to the public;
2. furnish an application on the day the individual makes the request in person or send an application to the individual within no more than 5 working days of a written or telephone request;
3. the following information must be provided with the application:
 - a) a description of available services;
 - b) the individual's rights and responsibilities;
 - c) Child Support Enforcement's fees; and
 - d) Child Support Enforcement's cost recovery and distribution policies; and
4. provide ADC, Medicaid and Title IV-E foster care applicants or recipients the information stated in (3) above, within 5 working days from the receipt of the referral to the IV-D agency.

4-001.02 Establishment of Cases:

In establishing cases, Child Support Enforcement must:

1. accept an application as filed the day the application and fee are received;
2. within no more than 20 calendar days of accepting an application for services or receipt of the referral of a case, open a IV-D case by establishing a case record; and
3. after case assessment, determine which of the following actions must be taken:
 - a) solicit necessary and relevant information from the custodial party and other relevant sources and if appropriate, initiate verification of information; and
 - b) if location information is inadequate to proceed with the case, request additional information or refer the case for further location attempts as specified in 466 NAC 5-000.

4-001.03 Case Record:

The case record must contain all information and documents belonging to the case, as well as all relevant facts, dates, action taken, contacts made and results. For the purpose of this section, a case record must include both paper and automated files.

4-002 Case Closure:

4-002.01 Case Closure Criteria:

In order to close a child support case, at least one of the following criteria must be met:

1. There is no longer a current support order in the case and arrearages are under \$500 or unenforceable under State law;
2. The non-custodial party or alleged father is deceased; and
 - a) no arrears are owed; or
 - b) arrears are owed, but the non-custodial party has been deceased for a minimum of two years, and no further action, including a levy against the estate, can be taken;
3. Paternity cannot be established because:
 - a) the child is at least 18 years old and action to establish paternity is barred by state law;
 - b) genetic testing, a court, or administrative process has excluded the alleged father and no other alleged father can be identified;
 - c) Child Support Enforcement has determined that it would not be in the best interest of the child(ren) to establish paternity:
 - i. in a case involving incest or forcible rape; or
 - ii. in a case where legal proceedings for adoption are pending; or
 - d) the identity of the biological father is unknown and cannot be identified after diligent efforts, including at least one interview by Child Support Enforcement with the recipient of services;
4. The non-custodial party's location is unknown, and Child Support Enforcement has made regular attempts using multiple sources, all which have been unsuccessful, to locate the non-custodial party:
 - a) over a three-year period when there was sufficient information to initiate automated locate efforts; or
 - b) over a one-year period when there was not sufficient information to initiate automated locate efforts;
5. The non-custodial party cannot pay support for the duration of the child's minority because the non-custodial party:
 - a) has been institutionalized in a psychiatric facility;
 - b) is incarcerated with no chance for parole; or
 - c) has a medically verified total and permanent disability with no evidence of support potential.

In addition, Child Support Enforcement has determined that no income or assets are available to the non-custodial party, which could be attached for support;
6. The non-custodial party is a citizen of, and lives in a foreign country, does not work for the Federal government or a company with headquarters or offices in the United States, and has no reachable domestic income or assets, and reciprocity has not been established with the country;
7. Child Support Enforcement has provided requested location-only services;

8. The non-ADC recipient of services requests closure of a case and there is no assignment to the State of medical support and/or no state debt exists;
9. There has been a finding of good cause and the IV-D staff have determined that support enforcement may not proceed without risk of harm to the child(ren) or caretaker relative;
10. In a non-ADC case, Child Support Enforcement has been unable to contact the recipient of services within a 60 calendar day period despite an attempt of at least one letter, sent by first class mail to the last known address;
11. In a non-ADC case, the recipient of services has failed to cooperate and further action by the recipient of services is essential for the next step in providing services; or
12. In an interstate case, Child Support Enforcement documents that the initiating state has failed to take an action, which is essential for the next step in providing services.

If a case qualifies for closure using the criteria in 466 NAC 4-002.01 (4), (5) or (6) the case must also meet the criteria in 466 NAC 4-002.02 (1).

4-002.02 Notice of Closure:

In cases meeting the criteria in 466 NAC 4-002.01 (1) through (6), (10) through (12), Child Support Enforcement must notify the recipient of services, or in an interstate case meeting the criteria for closure under 466 NAC 4-002.01 (12), the initiating state, in writing 60 calendar days prior to closing the case of its intent to close the case.

The case must be kept open if the recipient of services supplies information in response to the notice, which could lead to the establishment of paternity, establishment of a support order, or enforcement of an order. The case must also be kept open if contact is reestablished with the custodial party. If the case is closed, the former recipient of services may request at a later date that the case be reopened if there is a change in circumstances that could lead to the establishment of paternity, establishment of a support order, or the enforcement of an order by completing a new application for IV-D services and paying any applicable application fee.

4-003 Retention of Case Records:

Child Support Enforcement must retain all closed case records for a minimum of three federal fiscal years.